

REMARKS

Claims 6-12, 14, 16, 21-27 and 31-36 have been amended. No new matter has been added. Most of the amendments merely remove multiple claim dependencies, i.e. the amendments are non-substantive.

A substitute Declaration is submitted herewith that has been signed by the inventor.

In response to the objection to the drawings, formal drawings are filed herewith.

Claims 5-15, 20-27 and 36 were objected to for informal multiple dependent claims. It is believed the amendments made herein obviate this objection.

Claims 1-5, 16-19 and 28-35 were rejected under 35 U.S.C. 103 over Judd et al. (U.S. Patent 5910112) in view of Hogenkamp (U.S. Patent Application 2002/0049155).

In the Office Action, it is acknowledged that the Judd et al. does not report use of an iron oxide contrast agent.

However, the position is taken that the Hogenkamp document reports use of an iron oxide agents at paragraph 214 of the publication and therefore it would have been obvious to use an iron oxide agent in the system reported in Judd et al.

Notably, the cited Hogenkamp paragraph 214 appears in the "Background of the Invention" section of the Hogenkamp document, *not* in sections of the Hogenkamp document that contain asserted inventive subject matters.

The rejection is traversed.

The cited documents, whether considered alone or in combination, clearly fail to teach or suggest Applicant's claimed invention.

Thus, as acknowledged in the Office Action, the primary citation of Judd et al. nowhere mentions use of an iron contrast agent.

Indeed, the Judd et al. is not concerned with contrast agents at all, but rather reports certain imaging procedures (setting of receiver bandwidth). Upon Applicant's review, only a single contrast agent – triphenyltetrazolium chloride (TTC) – is reported in the entire Judd et al. document. TTC is not an iron oxide agent.

The secondary citation of Hogenkamp clearly fails to remedy such deficiencies of the Judd et al. document.

Hogenkamp pertains to cobalamin conjugate compounds said to be used as certain therapeutic or imaging agents. No *in vitro* or *in vivo* results of any kind are reported in Hogenkamp.

As with the Judd et al. document, nowhere does Hogenkamp indicate that an iron oxide contrast agent can be utilized. Thus, among other things, As mentioned above, paragraph 214 of the Hogenkamp document is in the "Background of the Invention" section of the publication, *not* sections of the Hogenkamp document that contain asserted inventive subject matters.

Moreover, while Applicant believes that a *prima facie* case under 35 U.S.C. 103 is not presented by the cited documents, it is also believed that any *prima facie* case that may be contended to exist is fully rebutted by data of record.

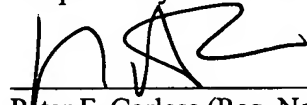
C. Constantinides
U.S.S.N. 10/044,296
Page 9

In this regard, attention is directed to the extensive *in vivo* experimental results set forth at pages 12-18 of the application, which demonstrate of the effectiveness of iron contrast agents, as Applicant discloses and claims.

In view thereof, reconsideration and withdrawal of the rejection are requested.

It is believed the application is in condition for immediate allowance, which action is earnestly solicited.

Respectfully submitted,



Peter F. Corless (Reg. No. 38,360)
EDWARDS & ANGELL, LLP
P.O. Box 55874
Boston, MA 02205
Tel: (617) 439-4444
Fax: (617) 439-4170